

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

GEORGE MANDALA and CHARLES
BARNETT, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

NTT DATA, INC.,

Defendant.

Case No. 18 Civ. 6591 (CJS)

INDEX TO RECORD ON APPEAL

District Court (WDNY) Docket Records, Case No. 18 Civ. 6591 (CJS)

| Docket # | Docket Text | Date Filed |
|----------|---|------------|
| 1 | COMPLAINT against NTT Data, Inc. \$ 400 receipt number 0209-3191224, filed by George Mandala, Charles Barnett.(Miazad, Ossai) (Entered: 08/15/2018) | 08/15/2018 |
| 9 | MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice by NTT Data, Inc.. (Attachments: # 1 Declaration of Patricia Price, # 2 Exhibit A, # 3 Memorandum in Support of Motion to Dismiss)(Pizzutelli, Jessica) (Entered: 11/13/2018) | 11/13/2018 |
| 11 | MEMORANDUM in Opposition re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice filed by Charles Barnett, George Mandala. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B)(Miazad, Ossai) (Entered: 12/12/2018) | 12/12/2018 |
| 13 | MEMORANDUM in Support re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice filed by NTT Data, Inc.. (Pizzutelli, Jessica) (Entered: 12/27/2018) | 12/27/2018 |
| 15 | NOTICE by Charles Barnett, George Mandala re 11 Memorandum in Opposition to Motion, Plaintiffs' Notice of Supplemental Authority In Further Opposition To Defendant's Motion To Dismiss The Class Action Complaint In Its Entirety And With Prejudice (Attachments: # 1 Exhibit A)(Miazad, Ossai) (Entered: 02/22/2019) | 02/22/2019 |
| 16 | NOTICE by NTT Data, Inc. re 9 MOTION to Dismiss The Class Action Complaint in its Entirety and with Prejudice Defendant's Notice | 03/06/2019 |

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| | of Supplemental Authority in Further Support of Motion to Dismiss the Class Action Complaint (Polito, Jacqueline) (Entered: 03/06/2019) | |
| 19 | REPLY/RESPONSE to re 16 Notice (Other), Plaintiffs' Response To NTT Data Inc.'s Notice of Supplemental Authority filed by Charles Barnett, George Mandala. (Miazad, Ossai) (Entered: 03/14/2019) | 03/14/2019 |
| 20 | NOTICE by Charles Barnett, George Mandala re 11 Memorandum in Opposition to Motion, Plaintiffs' Second Notice of Supplemental Authority In Further Opposition To Defendant's Motion To Dismiss The Class Action Complaint In Its Entirety And With Prejudice (Attachments: # 1 Exhibit A)(Miazad, Ossai) (Entered: 04/15/2019) | 04/15/2019 |
| 27 | DECISION AND ORDER granting 9 Motion to Dismiss; denies as moot 21 Motion to Compel. The Court finds that Plaintiffs have not met their burden of pleading a plausible claim of Title VII disparate impact and grants Defendants motion, ECF No. 9, to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Since the Court has dismissed the only federal claim, it declines to exercise jurisdiction over the state claims. 28 U.S.C. § 1367(c)(3). The Court denies Plaintiffs motion, ECF No. 21, to compel a Rule 26(f) conference as moot. The Clerk is directed to enter judgment for Defendant and close this case. Signed by Hon. Charles J. Siragusa on 7/17/19. (KAP)-CLERK TO FOLLOW UP- (Entered: 07/18/2019) | 07/18/2019 |
| 28 | JUDGMENT in favor of NTT Data, Inc. against Charles Barnett, George Mandala. Signed by Clerk of Court on 7/19/19. (TF) (Entered: 07/19/2019) | 07/19/2019 |

Dated: August 9th, 2019
New York, New York

Respectfully submitted,

By: /s/ Ossai Miazad
OUTTEN & GOLDEN LLP
Ossai Miazad
Christopher M. McNerney
Elizabeth V. Stork
685 Third Avenue, 25th Floor
New York, New York 10017
Telephone: (212) 245-1000

**NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.**
Rachel M. Kleinman
Alexis J. Hoag
40 Rector St., Fifth Floor
New York, NY 10006

Telephone: (212) 965-2200